

JRM-76,77

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JAN 22 3 39 PM '88

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

NORTHERN DISTRICT
OF MISSISSIPPI

JAN 22 1988

U. S. DISTRICT COURT
NORMAN L. GILLESPIE, CLERK

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Plaintiff

v.

Civil Action No. 2:97cv174-B-B

STATE MS.-DESOTO CO.

EASEMENTS AND RIGHTS-OF-WAY
OVER A TOTAL OF 0.3 ACRE OF
LAND, MORE OR LESS, IN DESOTO
COUNTY, MISSISSIPPI

MAY 8 2 53 PM '98

MICHAEL D. BARTON
LINDA K. BARTON, his wife

Defendants

BK 333 PG 137
W.E. DAVIS CH. CLK.

JUDGMENT

This action came on to be considered, and it appearing to the Court that

the plaintiff and the defendants have waived any hearing for the purpose of determining the compensation to be paid for the taking of the easement and right-of-way herein condemned, and that the plaintiff has agreed to pay and the defendants have agreed to accept the sum of Five Thousand Dollars (\$5,000) as full compensation for said taking, and for all claims against plaintiff and the Tennessee Valley Authority, known or unknown, perfected or unperfected, arising prior to entry of this judgment from clearing for, and construction of, an electric power transmission line in and about the area of the easement and right-of-way herein condemned; and it further appearing to the

Court that the plaintiff has deposited said sum in the registry of this Court in this action, the disbursement of which, together with interest earned less an administrative assessment fee of 10 percent of said interest, is provided for hereinafter in paragraph 3;

Accordingly, it is Ordered and Adjudged that:

1. The defendants shall recover of the plaintiff the sum of Five Thousand Dollars (\$5,000) as full compensation for said taking, and for all claims against plaintiff and the Tennessee Valley Authority, known or unknown, perfected or unperfected, arising prior to entry of this judgment from clearing for, and construction of, an electric power transmission line in and about the area of the easement and right-of-way herein condemned.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the declaration of taking filed herein on September 15, 1997, is hereby fully and finally confirmed as to the following described easement and right-of-way:

Permanent easements and rights-of-way for electric power transmission purposes, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol one line of poles or transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said rights-of-way, together with the right to clear said rights-of-way and keep the same clear of all trees, brush, buildings, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said rights-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon and on adjacent land of the Estate of Willie Cooper, the plaintiff to remain liable for any direct physical damage to the land, crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. FRM-76

A parcel of land located in Section 15, Township 2 South, Range 8 West, of DeSoto County, State of Mississippi, the location of which is shown on a map entitled "Freeport-Miller Transmission Line," drawing LW-8034, sheet 4, R.4, attached to the declaration of taking filed herein, the said parcel being more particularly described as follows:

Commencing at the southwest corner of Section 15, Township 2 South, Range 8 West, and the southeast corner of Section 16, Township 2 South, Range 8 West; thence leaving said corner and with the west line of Section 15 and the east line of Section 16, N. 0° 30' 40" W., 1,788 feet to a point, said point being in the centerline of the location at survey station 423+63.00, said section line being the centerline of a 20 foot bituminous road (Tulane Road); thence leaving said point and with the centerline of the said location S. 79° 49' 40" E., 37.40 feet to a point, said point being in the east right-of-way line of the said road and in the west property line of the land of the Estate of Willie Cooper at survey station 424+00.40; thence leaving said point and with the said property line and said right-of-way line N. 0° 30' 40" W., 22.01 feet to a property corner common between the lands of Michael D. Barton, et ux., and the Estate of Willie Cooper, said corner being 21.63 feet left of survey station 423+96.37, said point being the POINT OF BEGINNING.

Thence from the point of beginning and with the west property line of the land of Michael D. Barton, et ux., and the east right-of-way line of said road N. 0° 30' 40" W., 28.87 feet to a point, said point being in the north right-of-way line of the said location and being 50 feet left of survey station 423+91.01; thence leaving said point and with the said right-of-way line S. 79° 49' 40" E., 174.82 feet to a point, said point being in the south property line of the land of Michael D. Barton, et ux., and in the north property line of the land of the Estate of Willie Cooper, said property line being 50 feet left of survey station 425+65.84; thence leaving said point and with the said property line N. 89° 19' 53" W., 171.83 feet to the point of beginning and containing 0.1 acre, more or less.

The above-described parcel of land is lying entirely in the northwest 1/4 of the southwest 1/4 of Section 15, Township 2 South, Range 8 West.

TRACT NO. FRM-77

A parcel of land located in Section 15, Township 2 South, Range 8 West, of DeSoto County, State of Mississippi, the location of which is shown on a map entitled "Freeport-Miller Transmission Line," drawing LW-8034, sheet 5, R.1, attached to the declaration of taking filed herein, the said parcel being more particularly described as follows:

Commencing at the southeast corner of Section 15, Township 2 South, Range 8 West, and the southwest corner of Section 14, Township 2 South, Range 8 West; thence leaving said corner and with the east line of Section 15 and the west line of Section 14, N. 0° 54' 13" E., 2,641 feet to a point, said point being in the centerline of the location at survey station 484+50.30, said section line being the centerline of a 21 foot bituminous road (Robinson Gin Road North) and being the east property line of the land of Robert E. Morgan, et ux., and the east property line of the land of Luke Bullard, Jr., and the west property line of the land of Charlie M. Billingsley; thence leaving said point and with the centerline of the said location N. 89° 32' 02" W., crossing the east - west 1/4 section line of Section 15 at survey station 476+88.50 and crossing the north - south 1/4 section line of Section 15 at survey station 458+25.00, 3,749.62 feet to a point of intersection at survey station 447+00.68; thence continuing with the said centerline S. 16° 56' 50" W., 826.88 feet to a point, said point being in the south property line of the land of Michael D. Barton, et ux., and being in the north property line of the land of the Estate of Willie Cooper at survey station 438+73.80, said point being the POINT OF BEGINNING.

Thence from the point of beginning and with the said property line N. 89° 19' 53" W., 52.09 feet to a point, said point being in the west right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 16° 56' 50" E., 246.76 feet to a point, said point being in the east property line of the land of Michael D. Barton, et ux., and in the west property line of the land of Mildred Davis, et al.; thence leaving said point and with the said property line S. 0° 14' 14" W., 173.90 feet to a point, said point being in the centerline of the said location at survey station 439+39.40; thence continuing with the said property line S. 0° 14' 14" W., 62.98 feet to a 1/2 inch iron pin property corner common between the lands of Michael D. Barton, et ux., and the Estate of Willie Cooper, said corner being 18.11 feet right of survey station 438+79.04; thence leaving said point and with the said property line common between the lands of Michael D. Barton, et ux. and the Estate of Willie Cooper, N. 89° 19' 53" W., 18.86 feet to the point of beginning and containing 0.2 acre, more or less.

The above-described parcel of land is lying entirely in the northwest 1/4 of the southwest 1/4 of Section 15, Township 2 South, Range 8 West.

Recording information: Defendants/landowners as of the date the declaration of taking was filed — Michael D. Barton and Linda K. Barton, his wife (Deed Book 287, page 660).

3. The Clerk is authorized and directed to draw a check on the funds on deposit in the Registry of this Court in the principal amount of Five Thousand Dollars (\$5,000), plus all interest earned for a total amount of _____

\$5,043.18

less an administrative assessment fee of _____ \$4.32
_____ for a total amount of

\$5,038.86

_____ payable to Michael D. Barton and Linda K. Barton, in full satisfaction of this judgment, and to mail the check to Mr. and Mrs. Michael D. Barton, 2787 Timberland Drive, Nesbit, Mississippi 38651.

4. The Clerk of this Court shall furnish to the plaintiff a certified copy of this judgment which shall serve as a muniment of title.

This 22 day of Jan, 1998.

Nea D. Gire
United States District Judge

We hereby approve and consent to the entry of this judgment:

Edwin W. Small
Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499
Telephone 423-632-3021
Tennessee BPR No. 012347

Attorney for Plaintiff

Michael D. Barton
Michael D. Barton
SSN 426-94-0632
P.O. Box 652
Southaven, Mississippi 38671
Linda K. Barton
Linda K. Barton
SSN 587-32-2914
P.O. Box 652
Southaven, Mississippi 38671

Defendants

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